IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 15161 of 2004

Between:

M/s. Sri Chandrakantha Marine Exports,

Beside V.S.K. College, Dirusamarru Road,
Bhimavaram, West Godavari District,

Andhra Pradesh, PIN - 534 201, Rep. by its Managing Partner
T. Ch. Venkateswara Rao, S/o. Prakasa Rao, aged about 44 years,

R/o. Katari Nagar, Bhimavaram, W.G. District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Agriculture & Co-operation
(Marketing II) Department, Secretariat, HYderabad.
2 The Commissioner and Director of Marketing,

Government of Andhra Pradesh, Hyderabad.
3 The Agricultural Market Committee, Bhimavaram,

West Godavari District,
Rep. by its Selection Grade Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the circular No. I(2)119/03 dt. 28-7-2004 issued by the 2nd Respondent directing the 3rd Respondent to collect Development Cess at the rate of Rs 0.5% on Aqua products (Prawn) meant for export and the consequential circular R.O.C.No. 38/B/2/04 dt. 9-8-2004 directing the petitioner to pay Development cess at the rate of Rs.0.5% before exporting the products as illegal arbitrary, unreasonable, null and

void, without jursidiction and without power or authority of law and ultravires the provisions of the Andhra Pradesh (Agricultural Produce & Livestock Markets, Act, 1966 and violation of Articles 14, 19 (1) (g) of the Constitution of India and consequently direct the Respondents not to collect the same.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for Respondent Nos.1 and 2: GP FOR AGRICULTURE

Counsel for Respondent No.3: MR. K.MADHAVA REDDY(STANDING COUNSEL)

The Court made the following :

ORAL ORDER:

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It is represented by Sri A.V.Sesha Sai, learned counsel for the petitioner, that the cause in the writ petition does not survive for adjudication.

The writ petition is accordingly dismissed as infructuous. No costs.

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03-02-2005

vs

To

1 The Secretary,Government of Andhra Pradesh,

Agriculture & Co-operation
(Marketing II) Department, Secretariat, HYderabad.
2 The Commissioner and Director of Marketing,

Government of Andhra Pradesh, Hyderabad.
3 The Selection Grade Secretary, Agricultural Market Committee,

Bhimavaram,

West Godavari District,
4 Two CCs to the G.P for agriculture, High Court Buildings,

Hyderabad(O.U.T).

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